

Explanatory Note

Minister administering the National Parks and Wildlife Act 1974

ABN 20 770 707 468

and

Enid Maude Hall

ABN 33 580 175 147

Draft Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environment Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (the **Regulation**).

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister administering the National Parks and Wildlife Act 1974 (the **Minister**) and Enid Maude Hall (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 4 in Deposited Plan 834254, known as 510 Beach Road, Berry NSW 2535 (**Subject Land**).

Description of Proposed Development

The Developer intends to lodge a Development Application to subdivide the Subject Land into approximately 28 rural-residential lots and 1 ancillary lot for the purposes of a nature reserve (**Proposed Development**). In order to carry out the Proposed Development on the Land, the Developer has sought an amendment to the *Shoalhaven Local Environmental Plan 2014* to, among other matters, rezone the Land and change the minimum lot size standard applying to the Land (**LEP amendment**). The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the LEP amendment.

Summary of Objectives, Nature and Effect of the Planning Agreement

The objective of the Planning Agreement is to offset the effects of the Proposed Development by facilitating the transfer of the part of the Subject Land forming part of Coomonderry Swamp to the Minister for the purposes of use as a nature reserve.

No relevant capital works program by the Minister is associated with the Planning Agreement.

Assessment of Merits of Planning Agreement

The Planning Purposes of the Planning Agreement

The Planning Agreement has the following planning purposes:

- to promote the orderly and economic use and development of land; and
- to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.

The Minister and the Developer have assessed the Planning Agreement, and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the planning purposes set out above. This is because it will ensure that threatened and other species of native animals and plants, ecological communities and their habitats in the Coomonderry Swamp are protected.

How the Planning Agreement Promotes the Objects of the National Parks and Wildlife Act 1974

The Planning Agreement promotes the following object of the *National Parks and Wildlife Act 1974* by encouraging:

- the conservation of nature, including, but not limited to, the conservation of:
 - (i) habitat, ecosystems and ecosystem processes, and
 - (ii) biological diversity at the community, species and genetic levels.

The Planning Agreement promotes the object of the Act set out above by facilitating the transfer of the part of the Subject Land forming part of Coomonderry Swamp to the Minister in accordance with the Planning Agreement.

How the Planning Agreement Promotes the Public Interest

By facilitating the transfer of the part of the Subject Land forming part of Coomonderry Swamp to the Minister, the Planning Agreement also promotes the public interest by facilitating the creation of a nature reserve.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a construction certificate, an occupation certificate or a subdivision certificate.